

HIGH COURT OF SINDH, KARACHI

C.P No.S-922 of 2023

[Syed Nusrat Abbas Jafri versus Government of Sindh & others]

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For order on office objection.
2. For hearing of M.A No. 6624/2023.
3. For hearing of main case.

30.11.2023

Mr. Maroof Hussain Hashmi advocate for the petitioner
Mr. Fasih-uz-Zaman Abbasi for respondent No. 6 to 10.
Mr. Sharafuddin Jamali AAG along with Inspector of PS Zaman Town, Karachi

The main grievance of the petitioner is that respondents have snatched the valuable Articles of the petitioner from his Shop. He prays for legal protection and restrain them not indulging in such sort of affairs.

Brief facts of the case are that the petitioner and wife of respondent No.6 were partners in Hyderabad city; that in July 2023, there was some business dispute arose between the parties, and the respondent forcibly snatched the articles of the petitioner from his shop at Hyderabad, valued at Rs. 18/19 lacs; that on 16.09.2023 respondent No.4 ASI Sohail of PS Zaman Town called the petitioner at Police Station Gulberg through his mobile phone without any rhyme and reason. The petitioner claims harassment being made against him by the police who are in connivance with the private respondents.

Learned counsel for the petitioner has submitted that the respondents who are involved in illegal activities have extended threats of dire consequences to the petitioner. Learned counsel emphasized that the Police Officers are required to protect and not abduct. However, in the present case, they transgressed their power and authority and caused unnecessary harassment to the petitioner without rhyme and reason at the behest of the private respondents. He prayed for direction to the SSP concerned to take action against the respondents under the law.

The learned counsel for the private respondents has objected to the petition on the premise that this petition is not maintainable in terms of the arbitration clause in the partnership deed between the petitioner and respondent No. 7 and 10 as this Court has no jurisdiction to entertain civil/commercial dispute between the parties however the petitioner may be directed to avail proper remedy under the law. Learned counsel referred to the objections filed by the respondents and submitted that no case for harassment is made out therefore this petition is liable to be dismissed.

Learned Addl. A.G. assisted by the police officials present in Court submits that no harassment shall be caused to the petitioner. His statement is tenable and this petition is liable to be disposed of in terms of the statement of learned AAG. As far as police harassment issues are concerned, the SSP has to see the matter at its end and take prompt disciplinary action under the law against the delinquent police officials, who exceeded their power and authority and ensure that he will provide swift justice to the parties, without discrimination.

Without touching the merits of the case, the petitioner simply asked for legal protection against the highhandedness of the police officials at the behest of private respondents.

The instant petition is disposed of on the premise that the SSP East will hear the concerned parties and will take care of all the aspects of the case as requested by the parties and ensure due hearing to them and if he finds that the parties are indulged in criminal activities and intend to create law and order situation on the subject issue then necessary steps shall be taken and directions may be issued to lodge FIR against those persons, who are involved in such criminal activities.

In the meantime, no harassment shall be caused to the petitioner by the police. The police shall remain neutral if there is civil/criminal litigation between the parties, which shall be taken care of by the competent court of law. The SSP East shall also ensure that if the police officials are found involved in such illegal activities, disciplinary action shall be taken promptly and during disciplinary proceedings, the police officials shall not be given field postings.

The instant petition is disposed of in the above terms.

Let a copy of this order be transmitted through SSP East for compliance.

JUDGE